

Enforcement Advisory Committee Meeting Notes (2-2-07)

Attendees:

Chief Bruce Bjork (WDFW)	Pat Hansen
Deputy Chief Bill Jarmon (WDFW)	Pat Hatchel
Captain Bill Hebner (WDFW)	Vince Hawkins
Officer Mike Krenz (WDFW)	Bob Holfreter
Officer Steve Rogers (WDFW)	Jim Kujala
Dave Akehurst	Brad Manchis
Rex Anderson	Chris Marlahan
Ray Boone	Ed Owens
George Brady	Josh Pearson
Dave Croonquist	Gary Terrell

Chief Bjork reminded the committee to fill out volunteer time sheets and travel expense voucher and to submit to Captain Hebner by the end of the day.

Chief Bjork mentioned that he had noticed Vince Hawkins' summary of the past meetings that was published in Piscatorial Pursuits on the Internet. Ed Owens offered to link Piscatorial Pursuits with his web page and vice versa.

Follow up from last month's meeting:

1) How much time do Fish and Wildlife Officers spend enforcing Public Safety Laws vs. enforcing fish and wildlife laws (Title 77)?

Chief Bjork lead a follow-up discussion to George Brady's question from last month's meeting regarding amount of time Officers spend enforcing Title 77 vs. time spent on public safety. Chief Bjork provided a handout (color pie charts) illustrating a statewide Officer's time breakdown for 03-04. This information was obtained from the Enforcement Activity Reporting System (EARS). In summary, 9% of the total amount of Officer time is spent on public safety issues. The bulk of this public safety work is time spent on enforcing laws on WDFW lands (WLA and access sites).

Discussion ensued ...

Gary Terrell asked Chief Bjork if WDFW received any part of the fine money received from citations issued by WDFW Officers. Chief Bjork explained that all of WDFW fine money paid into the district courts for citations issued by fish and wildlife officers is deposited into the Public Safety Education Account. WDFW receives an appropriation of \$500,000 per year from that account. The amount WDFW receives is not based or related to how much fine money WDFW generates or how many citations WDFW issues.

Ed Owens asked what criteria was used to determine how much WDFW received from the Public Safety Education Account. Chief Bjork explained that he did not have the answer to Ed's question.

George Brady asked how many public safety citations are issued by fish and wildlife officers vs. the number of citations issued for Title 77 violations. Chief Bjork explained that he did not have that data nor is it easily obtainable.

2) Is it possible to create a link specifically to an Enforcement Advisory Committee page from WDFW's web page. This would enable the public to review and comment on the committee's activities, discussions, and recommendations?

Chief Bjork lead a discussion regarding the progress the program has made towards developing an Enforcement Advisory Committee link from the WDFW's Enforcement web page as requested by the group at last month's meeting. Chief Bjork reported that accreditation manager Kimberly Flowers and Sean Carrell have made significant progress developing an Internet link and describing how to first find the agency web page, the link to the enforcement page, and ultimately to the Enforcement Program Advisory Committee link. Chief Bjork reported that this is still work-in-progress and said that his staff is still working on a link to post proposed regulations. Chief Bjork asked for comments and suggestions.

Discussion ensued ...

Dave Croonquist mentioned that the link to the travel voucher goes to a 2006 version and asked if that could be corrected to a 2007 version?. Chief Bjork said that he would look into it and attempt to install a correction.

Gary Terrell asked when the agency posts emergency regulations on the agency's web site? All Enforcement personnel present reported that they all rely on the agency email system and do not use the agency web page to become informed of emergency regulations and as such, don't really know exactly when or how quickly the emergency regulations are posted on the web page. The Officers also stated that failure to receive notification by the public of emergency regulations hasn't been an issue and suspect the emergency regulations are posted immediately after adoption.

Dave Akehurst asked if Officers automatically cite someone for a violation of an emergency regulation if they legitimately were unaware of the emergency regulation. Deputy Chief Jarmon said, "No, officers have discretion and consider a number of different criteria in making a decision to cite someone or not."

Vince Hawkins commented that he had difficulty in finding hunting regulations and the agency should consider making it easier to find hunting regulations on the agency web page.

In order to further involve the public with the business of the Advisory Committee, Vince Hawkins suggested developing a system on the enforcement web page where the public could interact with the Enforcement Advisory Committee participants via an email directly linked to

the web page. After a brief discussion some group members (Chris Marlahan, Ed Owens, Josh Pearson, Ray Hansen, and Pat Hatchel) all preferred not to have their personal email address available to the public or directly linked from the enforcement web page.

Ed Owens suggested setting up a system on the web page that individuals could just click on a committee member name and the message was automatically forwarded to the appropriate address without any public posting of private email addresses. Ed Owens also suggested establishing a response system that also maintained the privacy of individual email addresses. There seemed to be general agreement to pursue this approach.

Brad Manchis complimented Chief Bjork for the follow up and progress in developing the web site link for the Enforcement Advisory Committee.

3) Can the enforcement program provide the Advisory committee with a list of legislators and contact phone numbers?

As per the request from last month's meeting, Chief Bjork led a discussion regarding legislative districts and contact information for legislators. Chief Bjork provided group members with a map illustrating the respective legislative districts and a list of phone numbers for all of the legislators in the state.

4) Can WDFW provide the group with a Legislative update?

As requested by the group from last week's meeting, Chief Bjork led a discussion regarding a legislative update.

HB 1026 – This proposed bill closes what many refer to as the gun show loop hole. Currently, weapons purchased at gun shows skirt the usual required (Brady bill) background checks. If passed, this bill provides a required background (Brady bill) check for all weapons purchased at gun shows. WDFW supports the bill.

Ed Owens said that a number of the firearm groups that the Wildlife Heritage Council represents, are strongly opposed to the bill, claiming that the bill goes too far and they don't think the bill gets to the real problem,

HB 1011 – This bill is dead and no discussion other than mention was made.

HB 1014 – This proposed bill would require individual gun owners to store guns locked and secured and is referred to as "the safe gun bill." WDFW has taken a neutral position on this bill.

Ed Owens commented that he thought the bill had too many legal loopholes and technical problems and predicted the bill would die.

HB 1045 has been replaced with **HB 1646**. This proposed bill would provide for fish and wildlife biologists to access and collect biological samples from individuals and businesses on public lands and state waters for the purpose of collecting biological samples. There was

speculation that this bill is ESA and resource driven. The bill requires biologists to produce credentials. WDFW supports this bill.

Ed Owens predicts the bill will pass and is hopeful the Enforcement Advisory Committee will have input on subsequent policy and rule development.

HB 1078 – This proposed bill provides authority for Fish and Wildlife Officers to seize wildlife taken by hunters when the animal was taken on private property and involved criminal trespass. Current law only allows WDFW Officers to seize wildlife that was taken in violation of Title 77. The bill has passed out of the house natural resource committee as a substitute bill with amendments. The amendments were added by Representative Kretz and are referred to as the Kretz amendment. The amendment provides an additional penalty to the criminal trespass law that includes a 5-year hunting license suspension for a 1st degree conviction of criminal trespass, and 2-year hunting license suspension for a 2nd degree criminal trespass conviction. WDFW supported this bill in its original form.

Ed Owens reported that the hunting community he represents supported the original bill, and strongly opposes the amended bill. Ed elaborated that the hunting community continues to offer support to the original bill.

HB 1082 – This proposed bill would eliminate the requirement for people harvesting shellfish to wear their shellfish license on their outer apparel. WDFW supports this bill.

HB 1146 – Currently WDFW reimburses landowners for damage to commercial agricultural and horticultural crops caused by deer and elk. The current appropriation is \$120,000 per year from the wildlife fund and 30,000 a year from the general fund. It is important to note, that monies received from the general fund can only be used for reimbursement in damage areas where firearm restrictions are in effect. As a result, the general fund appropriation is never used in its entirety. WDFW usually pays all of the \$120,000 appropriation from the wildlife account. This bill would increase both the wildlife fund appropriation and the general fund appropriation to \$150,000 each (for a total of \$300,000 per year) and these funds would be earmarked specifically to reimburse landowners for damages caused to commercial crops by deer and elk. The bill would also eliminate the requirement that monies used to reimburse landowners from the general fund appropriation must have occurred within a firearm restriction zone. WDFW supports this bill.

Dave Croonquist asked what happens when claims exceed the allotments. Chief Bjork explained that WDFW pays claims on a first-come/first-serve basis up until the allotted monies are expended.

Chief Bjork also explained that the maximum claim amount the agency is authorized to reimburse is \$10,000. Claims over \$10,000 must go through a legislative process.

Vince Hawkins asked if lists of claimants is available to the public? Chief Bjork said that information is available and that the agency can provide that for him.

Bob Holfreter asked how WDFW measures agricultural loss for reimbursement purposes. Officer Krenz explained that Officers work with the agricultural community and have resources available to determine a crop's value. Officers also work with landowners as the damage is occurring to both prevent further damage, and to document and assess damage as it occurs.

HB 1147 – This bill proposes adding commercial livestock to the damage statutes for purposes of reimbursement. Currently, damages caused by deer and elk to commercial agricultural and horticultural crops qualify for reimbursement. This bill would add reimbursement for damages caused by wolf, bear, and cougar (not coyote) to horses, cattle, and sheep. The bill specifies that each animal is a separate claim and maximum amount of an individual claim would be \$10,000. WDFW conditionally supports this bill. WDFW feels that any further allotments for damage reimbursements ought to come from general fund, not the wildlife fund.

According to Ed Owens, the Hunter Heritage Council is opposed to this bill, he feels the licensed hunters shouldn't have to shoulder any increased financial burden. Ed Owens feels that if the legislature has money for this, he would rather see the money go to increase enforcement. Additionally, Ed Owens feels the function of wildlife control should be the responsibility of some other entity in WDFW, allowing WDFW Officers to do more enforcement work.

A group discussion ensued concerning what other states do regarding wolf depredation on livestock.

HB 1248 – This bill proposes monies derived from the sale of shellfish and food fish licenses be redirected and deposited in the wildlife account instead of the state general fund. WDFW supports this bill.

George Brady asked if the legislature would simply reduce its general fund appropriation in the same amount if this bill passes. Chief Bjork said that decision hasn't been made and would be difficult for him or others to predict.

HB 1249 – This bill authorizes a once-in-a-lifetime deferral from the hunter education requirement for a period of one year (currently required for anyone born after 1972) if a mentor (current licensed hunter) agrees to sponsor the person requesting the deferral. The bill provides if either the person requesting the deferral or the mentor are cited for a violation of Title 77, each receives a two-year hunting license revocation (this part may be amended). WDFW supports this bill.

As a hunter education instructor and advocate, Jim Kujala expressed his opposition to this bill and expressed his strong conviction of the importance of hunter education.

HB 1261 – This bill proposes that if a law enforcement Officer is in disability status and then comes back to full duty, then he or /she could purchase service credit time (the amount of time in disability status) for retirement purposes.

HB 1418 – This bill proposes the ban on the importation of exotic species into the state of Washington except for zoos. The bill allows current exotic pet owners who legally possess exotics, to keep the animals until they expire. WDFW supports this bill.

HB 1400- This bill provides an exemption to the trapping ban for moles and gophers only. WDFW does not support this bill, it supports a broader fix to the problems created by Initiative 713.

HB 1606 – This bill provides for WDFW to manage furbearers and problem wildlife. It provides authority for the WDFW Commission to set trapping seasons to include the use of body gripping traps. WDFW supports this bill.

HB 1787 – This is another trapping bill that is a partial fix to the problems created by Initiative 713. WDFW does not support this bill.

HB 1651 – This bill proposes setting up a dedicated fund from existing fuel tax dollars currently deposited in the general transportation account. Monies from this created account would be used by WDFW for boating enforcement, boating facility maintenance, and site construction associated with improving boating access. WDFW supports this bill.

HB 1687 – This bill provides for fish and wildlife officers who are dual members of PERS 2 and LEOFF to purchase and transfer their service credit time accrued in the PERS 2 retirement system to the LEOFF retirement system. WDFW supports this bill.

SB 5185 – This bill proposes to allow counties to set their own ordinances regarding ORVs. WDFW is opposed to this bill.

According to Ed Owens, The Hunter Heritage Council is strongly opposed to the bill. Ed Owens stated that if the bill passes each and every county would have different ORV regulations and it would be next to impossible for users to keep track. For consistency sake, Ed Owens feels this responsibility clearly and appropriately lies with the state.

Capital Budget Request– Chief Bjork highlighted that the Enforcement Program has requested money to build evidence facilities that meet current law enforcement standards.

Ed Owens reports the people he represents support this request but doesn't think the budget request is sufficient to accomplish what is required.

Operating Budget – Chief Bjork highlighted a couple items regarding operating budget.

First and as a house cleaning measure, to finalize the transition for Officers who originally were in the PERS 2 retirement system and that are now in the LEOFF system, WDFW has requested \$250,000. This request is the state's share of the monies required (the other portion would be paid by individual officers) to facilitate the officers buying service time originally accrued in the PERS 2 retirement system and transferring it to the LEOFF system. If this request is not funded, this expense will come out of existing operating dollars equating to 2 less officers in the field.

Secondly, WDFW has requested funding to hire evidence custodians. Currently, WDFW Fish and Wildlife Officers do this administrative work (that does not require commissioned and trained officers to perform) resulting in less time being spent in the field on enforcement issues.

Chief Bjork reminded the group that all these bills are accessible on line. Ed Owens also invited individuals of the group to provide him with their email addresses and he will provide automatic updates of these and other bills.

5) At last month's meeting, the group asked if a couple of WDFW Officers could attend the next meeting.

Chief Bjork invited and introduced Officers Mike Krenz and Steve Rogers. After a brief discussion, Chief Bjork invited the group to ask the officers questions.

Bob Holfreter asked the Officers about judges, are some tougher than others? Officer Krenz started by explaining that he has spent the large majority of his career in King County and because of its immensity in size, that filing and prosecuting cases is a very difficult process. Officer Krenz explained that in King County, officers (along with every other enforcement entity) are required first to file citations with the prosecuting attorney's office for a charging decision. This step alone can take months. The process is further complicated because of the excessive work loads and working conditions in King County. There is an inordinate turnover of King County Deputy District Court prosecutors and fish and wildlife officers are continually breaking in and familiarizing new prosecutors with fish and wildlife laws. Officer Krenz is excited about the program's new legal assistant (Lori Pruess) and has hopes she might be able to help change the situation through the WPA and formalized training.

Officer Rogers said his weak link in Kittitas County is also the prosecutor's office. Not out of preference but because of workload and staffing issues, fish and wildlife cases are considered to be a very low priority in Kittitas County, and it's difficult getting cases filed and supported by the prosecutor's office. The end result is unsatisfactory plea agreements.

Ed Owens asked the officers about consistency in resolving cases. Officer Krenz reported that in King County, prosecutors change regularly, likely due to workload, cost of living, etc. Once a prosecutor gains some experience, he or she is usually enticed away for a more challenging and financially rewarding opportunity in the legal profession. Officers report that once they finally invest time and training into an individual prosecutor, he or she moves on and the process starts all over again. The same is true with Judges. It is very difficult for Officers to keep up with the training regime and the bigger the county the more daunting the task.

Dave Akehurst asked what other challenges do the Officers face? Both Officer Krenz and Rogers said that tribal hunting and fishing is by far their biggest challenge. WDFW is not provided with all of the individual tribal regulations making it almost impossible to determine whether or not tribal hunters are in violation when contacted in the field. Oftentimes tribal hunters have been instructed by tribal attorneys or their tribal policy lead not to cooperate with

WDFW field officers making the field contacts with an individual tribal hunter or fisherman extremely contentious.

Chris Marlahan asked if each individual tribe could set its own hunting and fishing regulation. Krenz and Rogers both replied, "Yes, if it's a treaty tribe." Captain Hebner and Deputy Chief Jarmon gave a brief description of treaty hunting and fishing rights as interpreted by the courts as well as how the courts have limited those rights to open and unclaimed lands on originally ceded lands.

Officer Rogers reported that the Yakama's are harvesting mature bulls in the Colockum. During the past decade, WDFW management goal has been to increase the number of mature bulls on the Colockum and in order to successfully do that WDFW has intentionally limited the harvest by state hunters. Over the past several years, WDFW staff has encountered significant tribal harvest of these mature bulls sabotaging the state's efforts to increase mature bull:cow ratios and at the same time infuriating appreciative users and other hunter groups. What's even more frustrating, is there doesn't seem to be recognition on the tribe's part there is a problem and certainly no interest in fixing anything.

Vince Hawkins stated that according to his studies of the Boldt decision, lack of communication and failure to meet was the problem. Vince stated that he was aware that the state of Idaho and the Nez Perz tribe have a cooperative relationship and had worked a number of these similar issues out through meetings and discussions and suggested WDFW pursue the same course. Ed Owens responded to Vince and explained that has been attempted in Washington repeatedly both at state and private level over the past 20 years and all those efforts have failed, and it's his opinion those failures are not the fault of the state.

Brad Manhis responded by explaining his fiancé is a Department of Fisheries and Oceans Enforcement Officer in British Columbia and that they too have dangerous and violent relations with First Nations citizens on the Frazier. To compound the issue, these conflicts are so contentious they attract professional protestors. According to Brad, it's only a matter of time before someone gets seriously hurt in B.C. as they patrol and attempt to protect fish resources in the Frazier River system in B.C. Brad said that the DFO in B.C. wish they had something like the Boldt decision so there were at least some sideboards to resolve these contentious issues.

Chief Bjork suggested the committee invite 1 or 2 WDFW staff from intergovernmental to hear this group's discussion and not only leave with an increased knowledge base but can also hopefully provide some insight.

Ed Owens asked the Officers who their worst offenders where (i.e. cowboys, age group, economic status, etc)? Both Officers Krenz and Rogers said it was difficult and inaccurate to attempt to define or stereotype a particular group. They both reported saying that it's been their experience that wildlife violators come from every age group and from every walk of life.

Dave Croonquist asked the Officers how many more officers they think are necessary to hire to adequately protect the state's wildlife resources? Both Officer Krenz and Rogers said we need more. How many more, they were not sure, but definitely a significant number more. Officer

Krenz reported that we have significantly fewer Officers now than we had at the time of merger of the Department of Fisheries and the Department of Wildlife in 1994.

Chief Bjork said that his goal is trying to double the size of our enforcement field force. His strategy is trying to obtain funding for 20 new officer positions per biennium over the next 6 biennia.

Bob Holfreter asked about the potential of a license fee increase. Chief Bjork explained that a license fee increase is orchestrated and approved by the legislature. Vince Hawkins explained that he personally would support a license fee increase and he is sure others would also if it resulted in new enforcement positions. Deputy Chief Jarmon mentioned the agency is putting together a public survey and among other issues, a component part of the survey will be to obtain the public desires concerning increased enforcement. Josh Pearson stated that he believes there needs to be more public education regarding the challenges of enforcement, if people knew what officers did, they would support increased funding for enforcement. Ray Hansen reminded the group that there is a whole series of citizen initiatives prohibiting state government from raising taxes without a public vote. Raising taxes is not popular to the citizenry or to politicians and competition for new money is tough.

George Brady agrees that new money for enforcement is unlikely and believes the answer is for the Officers to quit spending time on public safety issues and focus enforcement effort exclusively on fish and wildlife enforcement (Title 77). George asked why should he as a hunter and trapper, have his license dollars paying for public safety. Ray Hansen disagreed, Ray believes a thief is a thief and just as in any other general law enforcement agency, if you as an enforcement officer encounter a violation of the law, it needs to be dealt with. Chief Bjork explained that a Fish and Wildlife Officer's primary focus is on fish and wildlife violations, not public safety issue. Having said that, while Fish and Wildlife Officers are doing their job and they discover during a routine fishing license check that a subject has an outstanding warrant, or is driving intoxicated, or is driving with a revoked license, then he expects his officers to take enforcement action (time typically coded to public safety).

The committee thanked Officers Krenz and Rogers for coming and answering their questions frankly, and invited them back in the future.

6) Election of a chairperson.

Chief Bjork reminded the committee that at last month's meeting they intended to select a chairperson to chair and facilitate future meetings. The group agreed with his recollection and the Chief invited nominations.

Dave Akehurst nominated Ray Hansen. Brad Manhis nominated Vince Hawkins. Rex Anderson asked Chief Bjork if he was interested in continuing to serve as the group facilitator. After a brief discussion, it appears to be the committee's preference to have a chairperson selected from within the group. Rex Anderson asked both nominees if they were willing to serve. Both Ray and Vince agreed to accept the duties and responsibility if elected. Further discussion and agreement that all members of the group would vote by writing the name of their

preferred chairperson on a piece of paper and the member with the most votes would be chairperson and the other would serve as vice chair.

Captain Hebner and Deputy Chief Jarmon collected and tallied the 15 ballots. Chief Bjork announced that Vince Hawkins received a majority of the votes and will be the chairperson and Ray Hansen will serve as the vice chair.

Chief Bjork announced to the group that the WDFW Commission established a habitat enforcement sub committee and Commissioner Miranda Wecker is the chair of that committee.

Jim Kujala updated the committee on the Spokane Prosecutor's Office situation, and was happy to report some progress (likely from the negative publicity) is being made. Chief Bjork added that our new legal assistant Lori Pruess has also spoken with Brian O'Brian and she has offered some training assistance. Although still not perfect, the situation is improving.

Follow up or action items for the April 14 meeting:

Update the link so that the 2007 travel voucher is available. (Dave Croonquist) **(Done)**

Determine and share with the group when the agency posts emergency regulations on the agency web site? (Gary Terrell) **(Posted immediately upon approval from the Code Reviser)**

Set up an email system from the Advisory Committee web link allowing the public to email the advisory committee as a whole or as individual members (to include a response mechanism) that maintains the privacy of individual group member's personal email addresses. (Vince Hawkins) **(Done)**

Obtain and share with the group a list of damage claimants and recipients. (Vince Hawkins) **(Will be furnished by Sean Carrell at the 4/14 meeting)**

Invite 1 or 2 WDFW staff from intergovernmental to continue discussions on tribal hunting and fishing. (Chief Bjork) **(Done)**

In order to maximize the group's effectiveness and productivity, George Brady requested that the group meet longer on meeting dates. The group agreed that the next meeting will run from 9:30 until 3:00 instead of the 10:00 until 2:30 time frame. **(Done)**

The next meeting for the enforcement advisory committee is scheduled for April 14, 2007 from 9:30 to 3:00 at Hyak.

Other suggested agenda items:

Tribal issues continued discussion **(Scheduled for 4/14 meeting)**

Lori Preuss – rule-making process **(Scheduled for 4/14 meeting)**

Legislative update – Bjork and Owens **(Scheduled for 4/14 meeting)**

Invite a WDFW Commissioner **(Scheduled for 4/14 meeting)**

InfoCop and RADEP update – (will be scheduled at a later date)

Meeting adjourned at 3:00 p.m. Meeting notes were taken and submitted by Captain Bill Hebner (WDFW).